



Planning & Community Development Department

STAFF REPORT TO THE HEARING EXAMINER

File # V-07-0001

HEARING DATE: October 24, 2007 @ 3:00 p.m.

PROJECT COORDINATOR: Amanda Tainio, Senior Planner

PROPOSAL: Zip Trip Re-Location Variance

PROPOSAL DESCRIPTION: Class B Variance request to decrease the required setback of 1000 feet for storage tanks and stormwater facilities from a wellhead, as required under City Development Code Section 10-2G-3C.

DESCRIPTION OF THE SITE: The subject site is 28,901 sq. ft. in size and is vacant land. The subject site is accessed by an existing paved driveway east of the site which connects to Appleway Avenue, a paved four lane road with turn lane, curbs, and sidewalks and is designated as a Minor Arterial in the 2003 - 2022 City Comprehensive Plan. The site has an existing utility easement along the north side (Appleway Ave.), as well as land designated for a future light rail line.

BACKGROUND & PROPOSAL INFORMATION: In 2006, Wandermere Investments, LLC applied for a Development Code Text Amendment (File # ZTA-06-0028) during the annual amendment cycle to modify the City's Zoning Matrix to change Gas Station / Convenience Store from a Not Permitted (N) Use in the M-3 Zone to a Limited Use (L) in the M-3 Zone if the Gas Station / Convenience Store is being re-located from another location within the M-3 Zone. The amendment was approved with the requested language and the approved language is as follows:

Gas station / convenience store

a. A Gas station / convenience store is allowed in the M-3 zone if it is being relocated from another location within the M-3 zone and it meets the following criteria:

1. Underground storage tanks and stormwater disposal shall not be located within the 1000 foot radius of a wellhead.
2. Pump islands and other fuel dispensing tanks (e.g. propane) shall be located at least 25 feet from the right-of-way line(s).
3. Convenience stores/gas stations shall not exceed 8 pump sites and the building footprint area shall not exceed 5,000 square feet per lot. A pump site is one dispenser which may be double sided.

In August 2007, a Pre-Application Conference on the proposed new Zip Trip was conducted and the applicant was notified that the proposed site was located less than 1000 feet from the Kenney Wellhead and that a Variance approval for a reduced setback would be required prior to construction of the new Gas Station / Convenience.

At the end of September 2007, the existing Zip Trip 76 Gas Station / Convenience Store was closed and the demolition process of the existing site began under the approved Demolition Permit.

PROPOSAL DATA:

Project Location	Appleway Ave., E. of Liberty Lake Rd. & existing Zip Trip, W. of Meadowwood Ln.
Parcel Number(s)	55156.9153
Applicant	Witherspoon Kelley Davenport & Toole P.S. (Stacy A. Bjordahl)
Comprehensive Plan Designation	Central Business District Mixed Use
Zoning	M-3 (Central Business District Mixed Use)
Existing Property Use	Vacant Land
Surrounding Zoning & Uses	
North	The land north of the subject site is zoned I (Light Industrial) and currently contains a business park.
South	The land south of the subject site is zoned M-3 (Central Business District Mixed Use) and currently contains a strip mall with grocery store, McDonald's restaurant, and bank.
East	The land east of the subject site is zoned M-3 (Central Business District Mixed Use) and currently contains a Taco Bell restaurant and a vacant building pad.
West	The land west of the subject site is zoned M-3 (Central Business District Mixed Use) and currently contains vacant land and the existing Zip Trip which is under demolition. A Walgreen's Pharmacy is proposed to occupy the land west of the subject site.
Recent Land Use Proposals and Project Approvals within the Vicinity of the Project	A Demolition Permit was issued in January 2007 and extended in July 2007 for the existing Zip Trip located west of the subject site. A Walgreen's Pharmacy is in the final building permit review stages and is proposed to be located on the existing Zip Trip parcel and the vacant parcel west of the subject site.
Land Division Status	The subject site consists of one Tax Parcel of Record.
Water Purveyor	Public water must be provided to the site prior to any future construction, if public water is not currently available on site.
Sewer Purveyor	Public sewer must be provided to the site prior to any future construction, if public sewer is not currently available on site.
Fire District #	Spokane County Fire Protection District #1.

Nearest Arterial & Distance	The subject site is located south of and adjacent to Appleway Avenue, a paved four lane road with turn lane, curbs, and sidewalks which is designated as a Minor Arterial in the 2003 - 2022 City Comprehensive Plan.
Other Information	The subject site is currently vacant and the applicant would like to construct a new Zip Trip Gas Station / Convenience Store. The subject site is located farther from the Kenney Wellhead than the existing Zip Trip that is currently under demolition.

GMA / CRITICAL AREAS:

Aquifer Recharge Area	The project site is located in the Aquifer Sensitive Area (ASA)
Fish & Wildlife Habitat Conservation Areas	The subject site is not within a fish or wildlife habitat conservation area
Floodplain	The subject site is not within a floodplain
Geologically Hazardous Areas	The subject site is not within a geologically hazardous area
Wetlands	The subject site does not contain any designated wetlands

SEPA: This project does not require environmental review. A setback variance request is exempt from SEPA requirements under City Development Code Article 10-6A, Environmental Ordinance.

If the variance is approved and a future gas station is proposed for construction, SEPA review will be required for the project prior to approval building permit.

PROJECT PERMIT TIMELINE & NOTICES:

	Date	Notice
Application Submitted	8/30/07	
Determination of Completeness	Issued: 8/31/07	
Notice of Application	Issued: 9/19/07 Comment Deadline: 4pm, 10/3/07	Notice published in the 9/20/07 edition of the Liberty Lake Splash (the official City newspaper) Notice mailed to property owners within 400' radius & agencies on 9/19/07 Notice emailed to public notice group and posted on City Website on 9/19/07 On-Site Sign Posting verified on 9/19/07

Technical Review Meeting	Held on 10/8/07 at 9am	Notice emailed to agencies on 9/28/07
Notice of Public Hearing	Will be Issued: 10/10/07 Hearing to be held on 10/24/07 at 3pm	Notice will be published in the 10/11/07 edition of the Liberty Lake Splash (the official City newspaper) Notice will be mailed to property owners within 400' radius, agencies, and parties of record on 10/10/07 Notice will be emailed to public notice group and posted on City Website on 10/10/07 On-Site Sign Posting Affidavit is due on 10/10/07 & posting will be verified upon receipt

REVIEWING AGENCIES: Agencies were mailed a Notice of Application for their review on 9/19/07 with comments due back by 4pm, 10/3/07. Agencies were also emailed a Technical Review Meeting Notice on 9/28/07 for the 10/8/07 meeting. Agencies will also be mailed a Notice of Public Hearing on 10/10/07.

Agencies Notified	Notification	Responses Received (as of 10/8/07)	Comment Summary
City Engineer	Notice of Application Technical Review Meeting Notice Notice of Hearing	None	
Liberty Lake Sewer District	Notice of Application Technical Review Meeting Notice Notice of Hearing	With Application	<ul style="list-style-type: none"> Concerned with existing Zip Trip underground tanks and level of contamination, if any The technology proposed for the new facility must be reviewed to determine what measures will be taken to reduce any contamination risks LLSWD will review soil samples from the existing facility Wants to assure that the drinking water is protected from contamination that could result in a public health problem

Fire District #1	Notice of Application Technical Review Meeting Notice Notice of Hearing	None	
WSDOT - Spokane	Notice of Application Technical Review Meeting Notice Notice of Hearing	None	
Avista Utilities	Notice of Application Technical Review Meeting Notice Notice of Hearing	None	
Qwest	Notice of Application Technical Review Meeting Notice Notice of Hearing	None	
Community Cable	Notice of Application Technical Review Meeting Notice Notice of Hearing	None	
Spectrum Fiber Network	Notice of Application Technical Review Meeting Notice Notice of Hearing	None	
Spokane Regional Clean Air Agency	Notice of Application Technical Review Meeting Notice Notice of Hearing	9/24/07	<ul style="list-style-type: none"> Spokane Clean Air requirements must be met at time of project construction
Spokane County Building & Planning	Notice of Application Technical Review Meeting Notice Notice of Hearing	None	
Spokane Regional Health District	Notice of Application Technical Review Meeting Notice Notice of Hearing	None	
WA State Dept. of Ecology (SEPA Coordinator)	Notice of Application Technical Review Meeting Notice Notice of Hearing	10/3/07	<ul style="list-style-type: none"> Toxics Cleanup Program SEPA

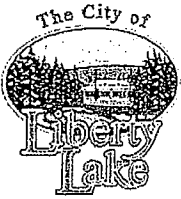
WA State Dept. of Ecology (Underground Storage Tank Inspector)	Notice of Application Technical Review Meeting Notice Notice of Hearing	None	
WA State Dept. of Health	Notice of Application Technical Review Meeting Notice Notice of Hearing	None	

PUBLIC COMMENTS: Property owners within a 400' radius of the project were mailed a Notice of Application for their review on 9/19/07 with comments due back by 4pm, 10/3/07. Property owners were also mailed a Notice of Public Hearing on 10/10/07. Information about the proposal is also emailed to the public notice group and is continually updated on the City website to keep the public informed.

Name & Address	Responses Received	Comment Summary
No comments received as of 10/8/07		

ATTACHMENTS:

- A. Development Code Text Amendment (File # ZTA-06-0028) Application
- B. Adopted City Zoning Map
- C. City Aerial Map
- D. V-07-0001 Application
- E. Burden of Proof Statement
- F. Site Analysis Map
- G. Subject Site Legal Description
- H. Subject Site Map #1
- I. Subject Site Map #2
- J. Agency Comments
- K. Notice of Public Hearing



COMPREHENSIVE PLAN & DEVELOPMENT CODE AMENDMENT REQUEST

Liberty Lake Planning & Community Development
 22710 E. Country Vista Blvd., Liberty Lake WA 99019
 Phone: (509) 755-6707 Fax: (509) 755 6713
 Website: www.libertylakewa.gov

PLEASE CHECK APPLICABLE AMENDMENT REQUESTS

- ☐ COMPREHENSIVE PLAN TEXT AMENDMENT
- ☐ COMPREHENSIVE PLAN LAND USE MAP AMENDMENT
- ☒ DEVELOPMENT CODE TEXT / ZONING MATRIX AMENDMENT
- ☐ ZONING MAP AMENDMENT

NOTE: A DEVELOPMENT CODE / ZONING MAP AMENDMENT MAY BE REQUIRED CONCURRENT WITH A COMPREHENSIVE PLAN MAP / TEXT AMENDMENT REQUEST IN ORDER TO KEEP THE DOCUMENTS CONSISTENT. CONSULT THE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT FOR MORE INFORMATION.

ADDITIONALLY, A PRE-APPLICATION CONFERENCE IS REQUIRED PRIOR TO SUBMITTAL OF THIS APPLICATION. TO SCHEDULE A PRE-APPLICATION CONFERENCE, PLEASE CONTACT THE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT.

COMPREHENSIVE PLAN TEXT / LAND USE MAP AMENDMENT:

Proposed amendments to the City of Liberty Lake Comprehensive Plan will be reviewed by the Planning Commission. A public hearing will be held, and the Planning Commission will then make a recommendation of approval or denial to the City Council. The City Council will approve or deny the proposed amendment after an additional public hearing. Comprehensive plan amendments can only be considered once each calendar year; City Staff, the Planning Commission, and the City Council must consider all of the proposed amendments for the year concurrently in order to assess their cumulative impact. A Development Code / Zoning Map Amendment may also be required concurrent with a Comprehensive Plan Map / Text Amendment request in order to keep the documents consistent.

The annual deadline for submittal of requests for Comprehensive Plan Amendments is July 31st.

The Planning Commission will review amendment requests and prepare a recommendation of approval or denial to the City Council based on the following criteria. Amendments will only be granted if the City Council determines that the request is consistent with the following criteria. Applicants must address each of the following standards and criteria in a written response that shall be attached to this amendment request application:

1. The amendment will not result in development that will adversely affect the public health, safety, and general welfare.
2. The amendment is based on new information that was not available at the time of adoption of the Comprehensive Plan, or that circumstances have changed since the adoption of the plan that warrant an amendment to the Plan.
3. The amendment is consistent with other goals and policies of the Comprehensive Plan, and that the amendment will maintain concurrency between the Land Use, Transportation, and Capital Facilities Elements of the Plan.

To address the above criteria, consider and discuss the following questions:

- What is the public benefit, necessity and/or convenience that requires this amendment?
- What significance will the proposed amendment have to the community?
- What effect will the proposed amendment have on other elements of the comprehensive plan?
- What effect will the proposed amendment have on public funding? Will approval or denial of the proposed amendment cause public funds to be expended?
- Will approval of the proposed amendment require expansion of infrastructure for transportation, utilities and/or other essential public services and facilities?
- What effect will the proposed amendment have on related ordinances, regulations, and development standards?
- What impact will the proposed amendment have on:
 - a) The health, safety and general welfare of the public;
 - b) The city design and aesthetics;
 - c) Development interests;
 - d) Neighborhoods;
 - e) Environmentally sensitive areas.

DEVELOPMENT CODE / ZONING MAP AMENDMENTS:

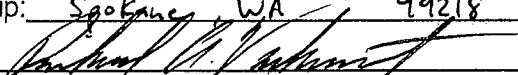
The annual deadline for submittal of requests for Development Code Amendments is July 31st.

Proposed amendments to the Development Code, the Zoning Map, and the Zoning Matrix are reviewed once a year during the Comprehensive Plan annual review period in order to keep the documents consistent.

APPLICATION - PART 1

ANSWER THE FOLLOWING, AS APPLICABLE (ANSWER N/A IF NOT APPLICABLE TO THIS AMENDMENT REQUEST)

APPLICANT 1:

Name: Wandermore Investments LLC Contact Person: Richard A. Vandervort
Mailing Address: 608 E. Holland Ave Phone: (509) 467-6654
City/State/Zip: Spokane, WA 99218 Fax Number: (509) 467-3534
Signature:  E-mail: rav@vandervort.com

APPLICANT 2:

Name: N/A Contact Person: _____
Mailing Address: _____ Phone: _____
City/State/Zip: _____ Fax Number: _____
Signature: _____ E-mail: _____

AGENT/ CONSULTANT/ ATTORNEY: (mandatory if primary contact is different from applicant or property owner)

Name: N/A Contact Person: _____
Mailing Address: _____ Phone: _____
City/State/Zip: _____ Fax Number: _____
Signature: _____ E-mail: _____

PROPERTY OWNER:

Name: N/A Contact Person: _____
Mailing Address: _____ Phone: _____
City/State/Zip: _____ Fax Number: _____
Signature: _____ E-mail: _____

PROPERTY OWNER 2 : (if more than two property owners attach additional info/signature sheets)

Name: N/A Contact Person: _____
Mailing Address: _____ Phone: _____
City/State/Zip: _____ Fax Number: _____
Signature: _____ E-mail: _____

The above signed property owners certify that the above information is true and correct to the best of our knowledge and under penalty of perjury, each state that we are all of the legal owners of the property described above and designate the above listed agent/consultant/attorney to act as our agent with respect to this application.

Comprehensive Plan & Development Code Text Amendment -

Which goals and policies of the Liberty Lake Comprehensive Plan are you requesting to be amended or added? List the applicable element(s) and text sections for which an amendment is being sought. Please include the element number(s), specific sections of the text and page number(s).

10-2A-4 Zoning District Matrix

Central Business District (M-3) not permitting Gas station/convenience store

We are requesting to change Gas station/convenience stores from not permitted (N) to Limited use (L) only if it is the relocation of an existing gas station/convenience store.

Comprehensive Plan & Development Code Text Amendment -

What do you want to change about the Comprehensive Plan / Development Code and why? Discuss the reason or rationale for the proposed text amendment.

We want to be able to relocate a gas station/convenience store located within the Central Business District to another location still within the Central Business District. We wish to do this so we can build a new Walgreen's Drug Store where the old gas station was located. We feel that relocating the old gas station will improve the Central Business District as a brand new Walgreen's Drug Store will be built and a new gas station will be available instead of the old one.

Comprehensive Plan & Development Code Text Amendment -

What specific language revisions to the Comprehensive Plan / Development Code text are you requesting?

M-3, Limited Use

Gas Station/Convenience Store

Gas Station/Convenience Store allowed in M-3 if it is being relocated from another location within M-3 and meets the following criteria:

- A) Underground storage tanks and stormwater disposal shall not be located within the 1000 foot radius of a wellhead.
- B) Pump Islands and other fuel dispensing tanks (e.g. propane) shall be located at least 25 feet from the right-of-way line(s).
- C) Convenience stores/gas stations shall not exceed 8 pump sites and the building footprint area shall not exceed 5,000 square feet per lot. A pump site is one dispenser which may be double sided.

Comprehensive Plan Land Use Map & Zoning Map Amendments -

Site Address / Location: _____

Parcel Number(s) of Project / Proposal: _____

Legal Description of Project / Proposal: _____

Section _____ Township _____ Range _____ Source of Legal Description: _____

Parcel Size(s): _____

Adjacent Area Owned or Controlled (acres or sq. ft.): _____

Parcel Number(s) of Adjacent Area: _____

Description of Proposal: _____

Current
Designation

Requested
Designation

Land Use Map: Central Business District

Zoning Map: M3

Existing Use of Property: _____

Proposed Use of Property:

Single Family Dwellings ☐

Duplexes ☐

Multifamily Dwellings ☐

Manufactured Homes ☐

Commercial ☐

Industrial ☐

Mixed Use ☐

Other ☐ (describe): _____

Reason or Rationale for the Proposed Amendment / Reclassification: _____

What Factors Support the Proposal?

Consistency with the Comprehensive Plan: _____

Compliance with the Purpose and Intent of the Zoning: _____

School District: _____

Fire District: _____

Sewer Purveyor: _____

Water Purveyor: _____

List Previous Planning Actions Involving Subject Property: _____

Name of Public Road(s) Providing Access: _____

Width of Property Fronting on Public Road: _____

Does the Proposal Have Access to an Arterial or Planned Arterial: ☐ YES ☐ NO

Name of Arterial Road(s): _____

If You Do Not Hold Title to the Property, What is Your Interest In It? _____

What Impacts Will the Proposed Amendment / Reclassification Have on the Adjacent Properties? _____

What Measures Do You Propose to Mitigate Your Proposal's Impact on Surrounding Land Use? _____

APPLICATION - PART 2

THE ITEMS BELOW MUST BE SUBMITTED WITH YOUR APPLICATION, AS APPLICABLE:

☐ **APPLICATION FORM & FEES**

Submit completed application on the attached form with all signature blocks completed and non-refundable application fees and associated environmental fees (contact the Planning & Community Development Dept. for a copy of the current fee schedule). *Acceptance of the application and fees does not guarantee approval of the amendment).*

☐ **WRITTEN RESPONSE TO STANDARDS & CRITERIA FOR COMPREHENSIVE PLAN AMENDMENTS**

☐ **ASSESSOR'S SECTION MAPS (MAP AMENDMENTS ONLY)**

Submit **2** copies of current County Assessor maps showing the subject property outlined in red and adjacent property owned or under option to the owner or sponsor (indicate adjacent property with a red dashed line). Adjacent includes property located across roads and rivers, etc.

Assessor maps are available at the County Assessor's Office and must be current (less than 30 days old) at the time of submittal and stamped by a licensed land surveyor. Platted (1"=200') and range (1"=400') parcel maps must be obtained, as you may need both sets, depending on your property location. The maps are used for legal notification of property owners within 400 feet of the boundary of the total contiguous ownership and/or controlled property (shown in red). Label and show in red line the 400 foot boundary from the total contiguous ownership.

Note: The property does not have to be surveyed at this time. The map stamped by a licensed land surveyor verifies the written legal description for the proposed zone change is an approximate representation on the map.

☐ **ZONING SECTION MAP (MAP AMENDMENTS ONLY)**

Submit **1** copy of the official zoning map with the boundary of the proposed zone change(s) indicated in red, with the proposed zoning labeled on the property. The zoning boundary shall be stamped by a licensed land surveyor. Copies of official zoning maps are obtainable from the City of Liberty Lake Planning & Community Development Department. (The written legal description(s) on the application form and the zoning boundary(s) shown on the map shall coincide).

Note: The property does not have to be surveyed at this time. The map stamped by a licensed land surveyor verifies the written legal description for the proposed zone change is an approximate representation on the zoning map.

☐ **ENVIRONMENTAL CHECKLIST**

☐ **CERTIFICATE OF WATER & SEWER AVAILABILITY (MAP AMENDMENTS ONLY)**

Submit **1** copy of a signed certificate of water availability from the water purveyor and **1** copy of a letter from the sewer purveyor discussing how sewer will be provided to the site (size of lines and improvements required to connect) and whether the required improvements are in conformance with the approved sewer comprehensive plan or an amendment to the sewer comprehensive plan is required.

☐ **ZONING PLAN AND / OR SITE PLAN (MAP AMENDMENTS ONLY, IF APPLICABLE)**

Submit **3** copies of the development proposal drawn to scale and **1** zoning plan / site plan reduction (8 1/2" x 11" or 11" x 17") indicating the following information in a clear and concise manner:

- a. Scale of drawing; north arrow; dimensions of the site boundaries and area in square feet or acres; corporation, firm, or individual preparing the site plan – with the date; and a small vicinity map.
- b. The following data in table form on the site plan:

Existing Zone(s)	Proposed Zone(s)	Acres or Sq. Ft.

Building Information:

Percent of Building Coverage _____ (in sq. ft.)

Building Use(s) _____

Landscaped Areas _____ (in sq. ft.)

Type of Landscaping _____

No. of Parking Spaces Required _____

Percent of Open Space (exclude paved areas) _____ (in sq. ft.)

Building Setbacks _____

c. Indicate the following:

1. Indicate right of way width and names of streets adjacent to the site.
2. Existing buildings and other improvements; indicate which ones are to remain, which ones are to be removed.
3. Proposed buildings and dimensions.
4. Height of all buildings, structures, and signs.
5. Access points and driveways.
6. Proposed or existing easements providing access to the site.
7. Interior circulation patterns.
8. Parking areas and spaces.
9. Building setbacks to property lines, and to center line of adjacent private and public roads.
10. Type and location of landscaping, fencing, lighting, and signage.

☐ **REQUIRED PUBLIC NOTICE** - Planning & Community Development staff will provide you with the preparation instructions at the Pre-Application Conference

☐ **OTHER EXHIBITS OR APPLICATIONS**

APPLICATION - PART 3

**ENGINEER
SURVEYOR VERIFICATION**

I, THE UNDERSIGNED, A LICENSED ~~LAND SURVEYOR~~ ^{ENGINEER}, HAVE COMPLETED THE INFORMATION REQUESTED. THE ~~MAP~~ ^{ENGINEER} SITE PLAN HAS BEEN PREPARED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF LIBERTY LAKE ZONING / SUBDIVISION REGULATIONS AND THE LAWS OF THE STATE OF WASHINGTON.

PRINTED NAME: Damon Smith, P.E. PHONE: 509-455-4448

ADDRESS: ~~3836 S. BATES DR~~ 601 W. RIVERSIDE AVE. #600

CITY: SPOKANE STATE: WA ZIP: 99201

SIGNATURE OF ~~SURVEYOR~~ ^{ENGINEER} Damon Smith DATE 7/19/06

I, THE UNDERSIGNED, SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE ABOVE RESPONSES ARE MADE TRUTHFULLY AND TO THE BEST OF MY KNOWLEDGE. I FURTHER SWEAR OR AFFIRM THAT I AM THE OWNER OF RECORD OF THE AREA PROPOSED FOR THE PREVIOUSLY IDENTIFIED LAND USE ACTION, OR, IF NOT THE OWNER, ATTACHED HERewith IS WRITTEN PERMISSION FROM THE OWNER AUTHORIZING MY ACTIONS ON HIS/HER BEHALF.

PRINTED NAME: Richard A. Vandervort PHONE: (509) 467-6654

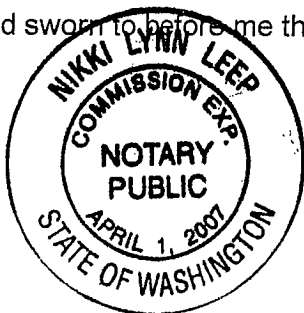
ADDRESS: 608 E Holland

CITY: SPOKANE STATE: WA ZIP: 99218

SIGNATURE OF APPLICANT OR REPRESENTATIVE Richard A. Vandervort DATE 7-18-06

STATE OF WASHINGTON)
CITY OF LIBERTY LAKE) SS:

Notary: Signed and sworn to before me this 18th day of July, 2006



Nikki Lynn Leep
Notary Public in and for the State of Washington

Residing at: Spokane

My Appointment Expires: 4-1-07

THIS APPLICATION AND ALL SUPPORTING MATERIAL REQUIRED BY THE CITY MUST BE SUBMITTED AT THE TIME OF APPLICATION IN ORDER FOR THE APPLICATION TO BE COMPLETE.

(PLANNING & COMMUNITY DEVELOPMENT DEPT. OFFICE USE ONLY)

DATE RECEIVED: 7/27/06

RECEIVED BY: AT

DATE COMPLETE: 7/28/06

FILE NUMBER: ZTA-06-0028

TOTAL FEES: \$75 sepa

RECEIPT NUMBER: 7820

AMENDMENT INITIATED BY:

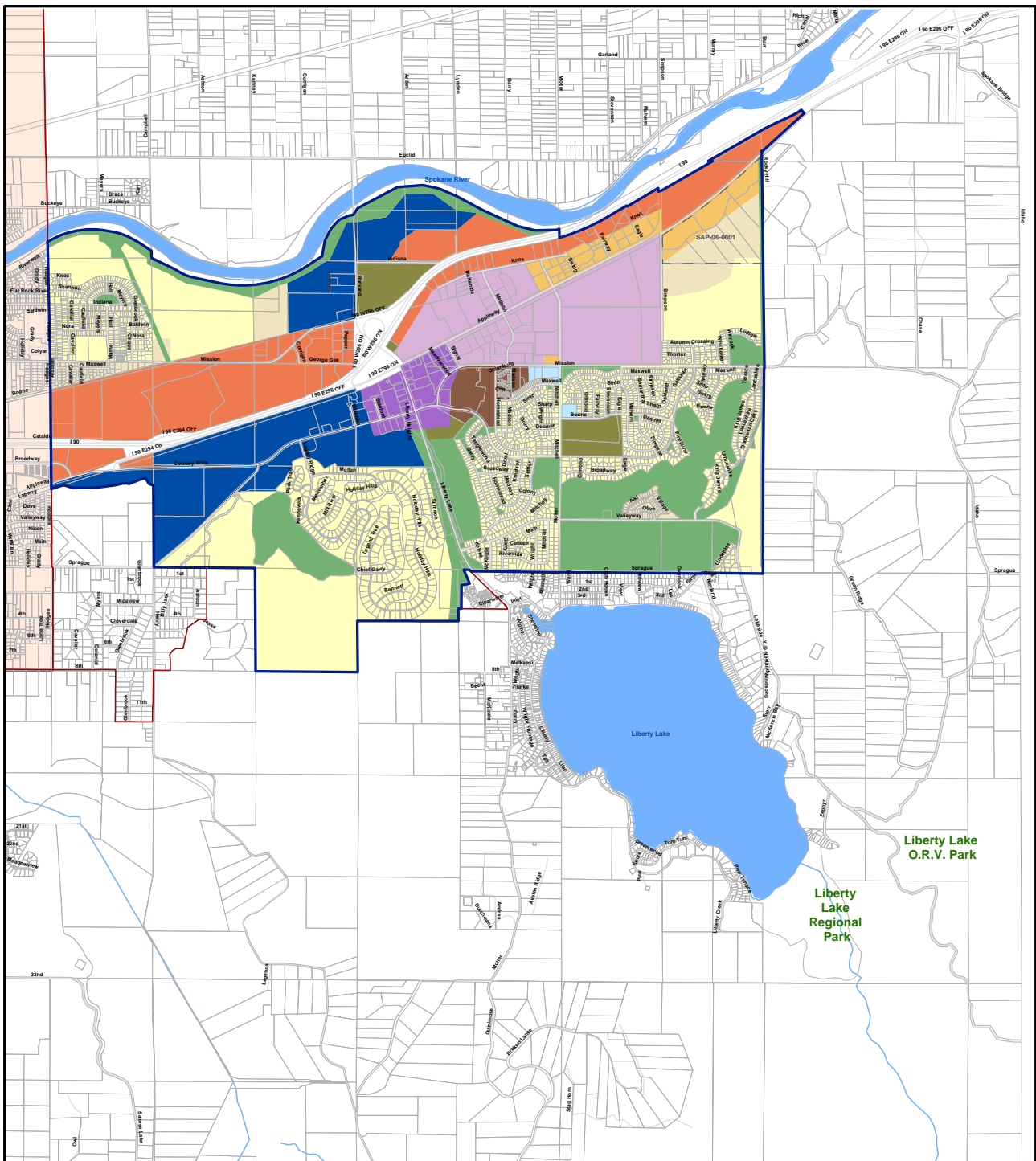
☒ Citizen Property Owner ☐ Planning Commission

☐ City Council

☐ Planning Director

☐ Other: _____





Map Legend

	City of Liberty Lake		M-1
	UGA Boundary		M-2
	City of Spokane Valley		M-3
	Parcels		C-1
	Streets		C-2
	Water Bodies		I
	R-1		P
	R-2		O
	R-3		

Map Location



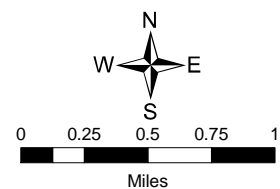
Map area is contained within
T 25 N, R 45 E, W.M.

Due to map scale, some streets may not be labeled.
This map is for informational purposes only and is not a legal document.

Amended Map Adopted -
December 19, 2006
For information please contact
The City of Liberty Lake
Community Development Department
509-755-6708



Zoning Map





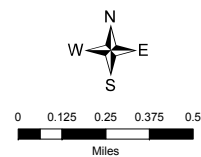
Map Legend

- City of Liberty Lake
- City of Spokane Valley
- UGA Boundary
- Parcels

2004 Orthophotography Copyright Washington DNR.



City of Liberty Lake



Due to map scale, some streets may not be labeled.

This map is for informational purposes only and is not a legal document.

City of Liberty Lake Boundary Map

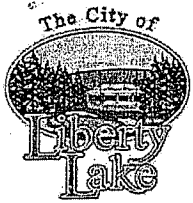
Map Updated - April 12, 2006

For information please contact
The City of Liberty Lake
Community Development Department
809-755-5709

Map Location



Map area is contained within
T 25 N, R 45 E, W.M.



VARIANCE APPLICATION

Liberty Lake Planning & Community Development
22710 E. Country Vista Blvd., Liberty Lake WA 99019
Phone: (509) 755-6707 Fax: (509) 755 6713
Website: www.libertylakewa.gov

A PRE-APPLICATION CONFERENCE IS REQUIRED PRIOR TO SUBMITTAL OF THIS APPLICATION. TO SCHEDULE A PRE-APPLICATION CONFERENCE, PLEASE CONTACT THE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT.

INTENT

The purpose of Article 10-5B of the City Development Code is to provide flexibility to development standards, in recognition of the complexity and wide variation of site development opportunities and constraints. The variance procedures are intended to provide flexibility while ensuring that the intent of each development standard is met. An administrative (Class A Variance) or quasi-judicial (Class B Variance) decision to lessen or otherwise modify the requirements of this Code for a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided, however, that a variance granted shall not authorize a use otherwise prohibited in the zone classification in which the property is located.

Class A Variance

The following variances are reviewed using an Exempt Project procedure, as governed by Article 10-4B of the City Development Code, using the approval criteria listed on Page 2:

- Front yard setbacks - up to a 10 percent change to the front yard setback standard in the zoning district.
- Interior setbacks - up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the zoning district.
- Lot coverage - up to 10 percent increase of the maximum lot coverage required in the zoning district.
- Landscape area - up to 10 percent reduction in landscape area (overall area or interior parking lot landscape area).
- Variance to minimum housing density standard (Development Code Chapter 2) - The Director may approve a variance after finding that the minimum housing density provided in Chapter 2 cannot be achieved due to physical constraints that limit the division of land or site development. "Physical constraint" means steep topography, critical areas (Development Code Chapter 6), unusual parcel configuration, or a similar constraint. The variances approved shall be the minimum variance necessary to address the specific physical constraint on the development.
- Variance to Vehicular Access and Circulation Standards (Development Code Article 10-3B) - Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the Director may grant a variance to the access requirements after finding the following:
 1. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
 2. There are no other alternative access points on the street in question or from another street;
 3. The access separation requirements cannot be met;
 4. The request is the minimum adjustment required to provide adequate access;
 5. The approved access or access approved with conditions will result in a safe access; and
 6. The visual clearance requirements will be met.

- Variances to Street Tree Requirements (Development Code Article 10-3C) - The Director may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Article 10-3C, after finding the following:
 1. Installation of the tree would interfere with existing utility lines;
 2. The tree would cause visual clearance problems; or
 3. There is not adequate space in which to plant a street tree; and
 4. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area trees).
- Variance to Parking Standards (Development Code Article 10-3D) - The Director may approve variances to the minimum or maximum standards for off-street parking in Article 10-3D upon finding the following:
 1. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;
 2. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
 3. All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3 of the City Development Code.
 4. The City may approve a reduction of required bicycle parking per Development Code Section 10-3D-4, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
- Variances to transportation improvement requirements (Development Code Article 10-3G). The Director may approve, approve with conditions, or deny a variance to the transportation improvement standards of Article 10-3G, based on the following:
 1. Required improvements are not feasible due to topographic constraints or constraints posed by critical areas.

Class A Variance Approval Criteria

A Class A Variance shall be granted if the applicant demonstrates compliance with the requirements of each variance listed above and all of the following criteria:

- The variance requested is required due to the lot configuration, or other conditions of the site;
- The variance does not result in the removal of significant vegetation, and/or results in preserving a tree or trees on the site or avoiding wetland impacts, if trees or wetlands are present in the development area;
- The variance will not result in violation(s) of Development Code Chapter 3, or other design standards.

Class B Variance

Class B variances shall be reviewed using a Type II Project Procedure, in accordance with Development Code Article 10-4B.

- Class B variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable zoning district would create a hardship to development which is peculiar to the lot size or shape, topography, critical areas (Development Code Chapter 6), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district); except that no variances to "permitted uses" shall be granted.
- Applicability.
 1. The variance standards are intended to apply to individual platted and recorded lots only.
 2. An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may not utilize the Class B variance procedure.
 3. A variance shall not be approved which would vary the "permitted uses" of a zoning district (Development Code Chapter 2).

Class B Variance Approvals Process and Criteria

- Class B variances shall be processed using a Type II Project procedure, in accordance with Development Code Article 10-4B, using the approval criteria listed below. In addition to the requirements contained in Development Code Article 10-4B, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria below.

The City shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:

1. The proposed variance will not be materially detrimental to the purposes of the City Development Code, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity;
2. A hardship to development exists which is peculiar to the lot size or shape, topography, critical areas (Development Code Chapter 6), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district);
3. The use proposed will be the same as permitted under the City Development Code and other City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
4. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Development Code standard;
5. The hardship is not self-imposed; and
6. The variance requested is the minimum variance which would alleviate the hardship.

VARIANCE APPLICATION AND APPEALS (CLASS A OR CLASS B)

- The variance application shall conform to the requirements for Exempt or Type II applications (Development Code Article 10-4B), as applicable, (also see the City brochure on Application Review Procedures for Projects Permits).
- In addition, the applicant shall provide a narrative or letter (Burden of Proof Form) explaining the reason for his/her request, alternatives considered, and why the subject standard cannot be met without the variance. Appeals to variance decisions shall be processed in accordance with the provisions of Development Code Article 10-4B.
- An application for a Class A or Class B variance may be filed by the owner(s) of property to which said variance would directly apply. The City shall collect from the property owner an application fee, as established in the Planning & Community Development Dept. (P&CD) Fee Schedule, which may cover normal processing costs.
- Prior to filing an application for a variance, an applicant shall complete a Pre-Application Conference Request Form and a Pre-Application Conference shall be held to review the proposal and the application process.

APPLICATION - PART 1

ANSWER THE FOLLOWING, AS APPLICABLE (ANSWER N/A IF NOT APPLICABLE)

REQUESTED ACTIONS(S) - Indicate appropriate request:

☐ Class A Variance ☒ Class B Variance

PROPERTY OWNER:

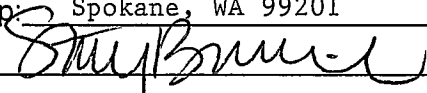
Name: Wandermere Investments LLC Contact Person: Richard Vandervert
Mailing Address: 608 E. Holland Ave. Phone: 467-6654
City/State/Zip: Spokane, WA 99218 Fax Number: _____
Signature: _____ E-mail: _____

PROPERTY OWNER 2 : (if more than two property owners attach additional info/signature sheets)

Name: N/A Contact Person: _____
Mailing Address: _____ Phone: _____
City/State/Zip: _____ Fax Number: _____
Signature: _____ E-mail: _____

The above signed property owners certify that the above information is true and correct to the best of our knowledge and under penalty of perjury, each state that we are all of the legal owners of the property described above and designate the below listed agent/ consultant/ attorney to act as our agent with respect to this application.

AGENT/ CONSULTANT/ ATTORNEY: (mandatory if primary contact is different from property owner)

Name: Witherspoon Kelley Davenport & Toole, P.S. Contact Person: Stacy A. Bjordahl
Mailing Address: 422 W. Riverside, Ste. 1100 Phone: 624-5265
City/State/Zip: Spokane, WA 99201 Fax Number: 458-2717
Signature:  E-mail: sab@wkdtlaw.com

PROJECT INFORMATION

Site Address / Location: Appleway Avenue, east of Liberty Lake Road and west of Meadowwood Lane

Parcel Number(s) of Project / Proposal: 55156.9153

Legal Description of Project / Proposal: see attached

Section 15 Township 25 Range 45 Source of Legal Description: County Assessor's Records/ Surveyor

Parcel Size(s): 28, 901 square feet

Adjacent Area Owned or Controlled (acres or sq. ft.): Approx. 12.75 acres

Parcel Number(s) of Adjacent Area: 55156.9154; .9152; 55152.9093; .9085; .9086

Existing Use of Subject Property: Vacant

Describe proposed use of the property, noting change from "existing use": Relocate existing Zip Trip/ gas station located at 1502 N. Liberty Lake Road to subject property

Zoning Designation: M-3 Land Use Designation: Central Business District/Mixed Use
School District: Central Valley Fire District: #1
Sewer Purveyor: LLSD Water Purveyor: LLSD

List Previous Planning Actions Involving Subject Property: _____
BSP #4

Name of Public Road(s) Providing Access: Appleway Avenue

Width of Property Fronting on Public Road: Approx. 200 feet

Does the Proposal Have Access to an Arterial or Planned Arterial: ☒ YES ☐ NO

Name of Arterial Road(s): Appleway Avenue

State the Code standard and describe the variance sought in comparable terms (i.e., 50 feet from centerline verses required 65 feet):

See attached

APPLICATION - PART 2

THE ITEMS BELOW MUST BE SUBMITTED WITH YOUR APPLICATION, AS APPLICABLE:



APPLICATION FORM

Submit completed application on the attached form with all signature blocks completed and non-refundable application fees and associated environmental fees (contact the Planning & Community Development Dept. for a copy of the current fee schedule). *Acceptance of the application and fees does not guarantee approval of the variance).*



BURDEN OF PROOF FORM

Provide a narrative or letter explaining the reason for the request, alternatives considered, and why the subject standard cannot be met without the variance.



ASSESSOR'S SECTION MAPS

Submit **2** copies of current County Assessor maps showing the subject property outlined in red and adjacent property owned or under option to the owner or sponsor (indicate adjacent property with a red dashed line). Adjacent includes property located across roads and rivers, etc.

Assessor maps are available at the County Assessor's Office and must be current (less than 30 days old) at the time of submittal and stamped by a licensed land surveyor. Platted (1"=200') and range (1"=400') parcel maps must be obtained, as you may need both sets, depending on your property location. The maps are used for legal notification of property owners adjacent to the property (shown in red).

Note: The property does not have to be surveyed at this time. The map stamped by a licensed land surveyor verifies the written legal description for the subject property is an approximate representation on the map.



ZONING SECTION MAP

Submit **1** copy of the official zoning map with the zoning labeled on the property. The zoning boundary shall be stamped by a licensed land surveyor. Copies of official zoning maps are obtainable from the City of Liberty Lake Planning & Community Development Department. (The written legal description(s) on the application form and the zoning boundary(s) shown on the map shall coincide).

Note: The property does not have to be surveyed at this time. The map stamped by a licensed land surveyor verifies the written legal description for the subject property is an approximate representation on the map.



ENGINEER'S SECTION MAPS

Submit **1** current copy of the section map(s) showing the subject property outlined in red. Engineer section maps are available at the County Engineer's office



LEGAL DESCRIPTION

The source of the legal description shall be clearly indicated and the legal description shall be stamped by a licensed land surveyor.



ENVIRONMENTAL CHECKLIST



CERTIFICATE OF WATER & SEWER AVAILABILITY

Submit **1** copy of a signed certificate of water availability from the water purveyor and 1 copy of a letter from the sewer purveyor discussing how sewer will be provided to the site (size of lines and improvements required to connect) and whether the required improvements are in conformance with the approved sewer comprehensive plan or an amendment to the sewer comprehensive plan is required.



REQUIRED PUBLIC NOTICE - Planning & Community Development staff will provide you with the preparation instructions at the Pre-Application Conference (Required for Class B Variances only). *- Revising envelopes to 10x13*



SITE PLAN

Submit **3** copies of the proposal (11" x 17" minimum), stamped by a licensed land surveyor, with written legal description and containing:

- Scale of drawing & North arrow
- Vicinity map
- Site area showing property boundaries & dimensions

- d. Width and names of streets adjacent to the site
- e. Existing buildings
- f. Proposed buildings (including exterior decks/balconies) showing dimensions and distance to property boundaries
- g. Height of all structures
- h. Parking areas/ spaces/ driveways
- i. Landscaping
- j. Fencing
- k. Topography of the site
- l. Easement(s) affecting the use of the property
- m. Septic tank, drainfield, and well
- n. Dimensions from proposed structures to the ordinary high-water mark of all water bodies
- o. Location and size of all wetlands
- p. Easement which provides access to the public street
- q. Access, if different from easement

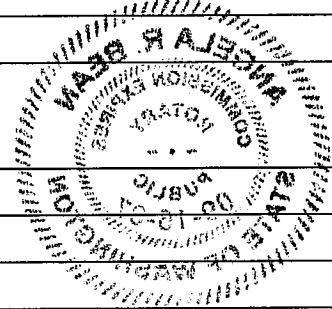
8/31



OTHER EXHIBITS OR APPLICATIONS

✓ Agreement to pay fees
 ✓ Property owner authorization / signature

☐ **CONCERNS OR NOTES**



APPLICATION - PART 3

SURVEYOR VERIFICATION

I, THE UNDERSIGNED, A LICENSED LAND SURVEYOR, HAVE COMPLETED THE INFORMATION REQUESTED. THE MAP / SITE PLAN HAS BEEN PREPARED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF LIBERTY LAKE ZONING / SUBDIVISION REGULATIONS AND THE LAWS OF THE STATE OF WASHINGTON.

PRINTED NAME: BRUCE R. LARSEN

PHONE: (509) 926-2821

ADDRESS: 619 N. MADEIRA ST.

CITY: SPOKANE
 SIGNATURE OF SURVEYOR: Bruce R. Larsen

STATE: WA

ZIP: 99202

8/29/07
 DATE



I, THE UNDERSIGNED, SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE ABOVE RESPONSES ARE MADE TRUTHFULLY AND TO THE BEST OF MY KNOWLEDGE. I FURTHER SWEAR OR AFFIRM THAT I AM THE OWNER OF RECORD OF THE AREA PROPOSED FOR THE PREVIOUSLY IDENTIFIED LAND USE ACTION, OR, IF NOT THE OWNER. ATTACHED HERewith IS WRITTEN PERMISSION FROM THE OWNER AUTHORIZING MY ACTIONS ON HIS/HER BEHALF.

PRINTED NAME: Stacy Bjordan

PHONE: 624-5265

ADDRESS: 422 W. Riverside #1100

CITY: Spokane

STATE: WA

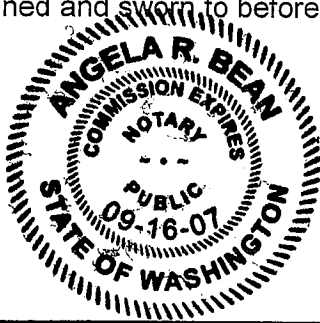
ZIP: 99201

SIGNATURE OF APPLICANT OR REPRESENTATIVE: Stacy Bjordan

DATE: 08/28/07

STATE OF WASHINGTON)
CITY OF LIBERTY LAKE) SS:

Notary: Signed and sworn to before me this 28 day of August, 20 07



Angela Bean
Notary Public in and for the State of Washington

Residing at: Spokane

My Appointment Expires: 9-16-07

THIS APPLICATION AND ALL SUPPORTING MATERIAL REQUIRED BY THE CITY MUST BE SUBMITTED AT THE TIME OF APPLICATION IN ORDER FOR THE APPLICATION TO BE COMPLETE.

(PLANNING & COMMUNITY DEVELOPMENT DEPT. OFFICE USE ONLY)

DATE RECEIVED: 8/30/07

RECEIVED BY: AT

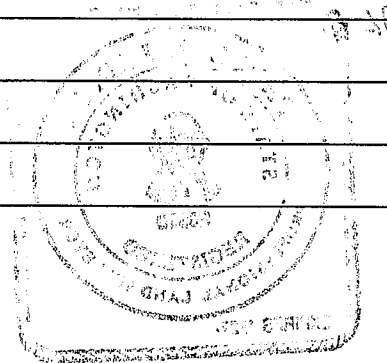
DATE COMPLETE: 8/31/07

FILE NUMBER: V-07-0001

TOTAL FEES: \$1681

RECEIPT NUMBER: 10492

ADDITIONAL INFORMATION: _____



APPLICATION - PART 1

ANSWER THE FOLLOWING; AS APPLICABLE (ANSWER N/A IF NOT APPLICABLE)

REQUESTED ACTIONS(S) - Indicate appropriate request:

☐ Class A Variance ☒ Class B Variance

PROPERTY OWNER:

Name: Wandermere Investments LLC Contact Person: Richard Vandervert
Mailing Address: 608 E. Holland Ave. Phone: 467-6654
City/State/Zip: Spokane, WA 99218 Fax Number: _____
Signature: *Richard A. Vandervert* E-mail: _____

PROPERTY OWNER 2 : (if more than two property owners attach additional info/signature sheets)

Name: N/A Contact Person: _____
Mailing Address: _____ Phone: _____
City/State/Zip: _____ Fax Number: _____
Signature: _____ E-mail: _____

The above signed property owners certify that the above information is true and correct to the best of our knowledge and under penalty of perjury, each state that we are all of the legal owners of the property described above and designate the below listed agent/ consultant/ attorney to act as our agent with respect to this application.

AGENT/ CONSULTANT/ ATTORNEY: (mandatory if primary contact is different from property owner)

Name: Witherspoon Kelley Davenport & Toole, P.S. Contact Person: Stacy A. Bjordahl
Mailing Address: 422 W. Riverside, Ste. 1100 Phone: 624-5265
City/State/Zip: Spokane, WA 99201 Fax Number: 458-2717
Signature: _____ E-mail: sab@wkdttlaw.com

PROJECT INFORMATION

Site Address / Location: Appleway Avenue, east of Liberty Lake Road and West of Meadowwood Lane

Parcel Number(s) of Project / Proposal: 55156.9153

Legal Description of Project / Proposal: see attached

Section 15 Township 25 Range 45 Source of Legal Description: County Assessor's Records/
Surveyor

Parcel Size(s): 28, 901 square feet

Adjacent Area Owned or Controlled (acres or sq. ft.): Approx. 12.75 acres

Parcel Number(s) of Adjacent Area: 55156.9154; .9152; 55152.9093; .9085; .9086

Existing Use of Subject Property: Vacant

Describe proposed use of the property, noting change from "existing use": Relocate existing Zip Trip/
gas station located at 1502 N. Liberty Lake Road to subject property

Variance Application Burden of Proof Statement

Summary of Variance Request

A variance to decrease the required setback of 1,000 feet for storage tanks and stormwater facilities from a wellhead, as required under Section 10-2G-3(C) (12) of the Liberty Lake Municipal Code.

Background

In 2006, the applicant submitted a request to amend Article 10-2G (M-3 Central Business District-Mixed Use) of the Liberty Lake Development Code to allow as a limited use a gas station/convenience store in the M-3 zone if it is being relocated from another location within the M-3 zone. There are only 2 gas stations/convenience stores in the M-3 zone; therefore, the amendment had extremely limited application. At the time of the amendment, both the City and the applicant intended for the amendment to allow the relocation of the existing Zip Trip gas station to the subject property so that a Walgreens could be developed on the Zip Trip site. However, there was no verification that the subject property would meet the criteria contained in the amendment, mainly the 1,000 foot separation of storage tanks and stormwater disposal from an existing wellhead.

The existing Zip Trip storage tanks are over 15 years old and are located approximately 500 feet from the Liberty Lake Sewer District's Kenney Well. If the variance is approved, new, state-of-the-art storage tanks would be constructed on the subject property and they would be located approximately 777 feet from the Kenney Well. It is in the public interest to approve the variance request, which will allow the existing storage tanks to be replaced with new tanks and be relocated further from the Kenney Well.

Purpose of Variance Process

The Liberty Lake Municipal Code specifically notes that it cannot provide standards to fit every potential development situation. The City's varied geography, and complexities of land development, require flexibility. The purpose of the variance process is to provide that flexibility, while maintaining the purposes and intent of the Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes.

Consistency of Application to Variance Criteria

1. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity.

Response: As noted above, approval of the variance will allow the old storage tanks to be replaced with new, state-of-the-art tanks and their relocation further from the Kenney Well. The new tanks will also be required to comply with all current federal and state standards. The applicant notes that the current standards adopted by the Department of Ecology require a 100 foot separation, which the applicant will exceed by nearly 8 times. The DOE has not objected to the proposal. Relocating and upgrading the tanks to current technology and standards serves the purpose and intent of the separation standard. When the tanks are relocated they will be nearly 800 feet from Kenney Well. Without a variance, the old tanks will remain in their present location.

The applicant also notes that there is no scientific basis for the 1,000 foot separation standard contained in the Liberty Lake Municipal Code. Neither the State of Washington,

Spokane County, nor any other city within Spokane County has adopted a 1,000 foot separation standard.

2. A hardship to development exists which is peculiar to the lot size or shape, topography, critical areas (Chapter 6), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district).

Response: The size and shape of the property do not allow the applicant to meet the 1,000 foot separation standard. The applicant has located the storage tanks on the east side of the facility, which is the furthest from the Kenney Well. The area surrounding the subject property is developed with parking areas and existing businesses, which prevent the storage tanks from being placed in any other location.

3. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land.

Response: The applicant is not requesting a use variance. Gas stations/convenience stores are permitted as a limited use. The applicant is not seeking any other variance or deviation from the Liberty Lake Municipal Code.

4. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;

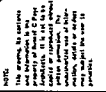
Response: As noted above, the applicant is proposing to relocate the existing Zip Trip a short distance along Appleway. No adverse impacts are anticipated as a result of a simple relocation of an existing facility.

4. The hardship is not self-imposed; and

Response: As noted above, the size and shape of the property do not allow the applicant to meet the 1,000 foot separation standard. The applicant has located the storage tanks on the east side of the proposed facility, which is the furthest from the Kenney Well. The area surrounding the subject property is developed with parking areas and existing businesses, which prevent the storage tanks from being placed in any other location.

5. The variance requested is the minimum variance which would alleviate the hardship.

Response: As noted above, the size and shape of the property do not allow the applicant to meet the 1,000 foot separation standard. The applicant has located the storage tanks on the east side of the proposed facility, which is the furthest from the Kenney Well. The area surrounding the subject property is developed with parking areas and existing businesses, which prevent the storage tanks from being placed in any other location.

[illegible]

RUSSELL C. PAGE
architects
608 e. holland
columbus, mississippi 39201
601-323-0018 601-323-0748



PROJECT: LIBERTY LAKE TOWN CENTER
ZIP TRIP

DRAWINGS: LIBERTY LAKE, WASHINGTON 98019

OVERALL SITE PLAN

DATE:
7-25-07

PLOT SCALE:
1"=50'-0"

DRAWN BY:
KEF

JOB NO.:
07-109

SHEET NO.:

A1.0

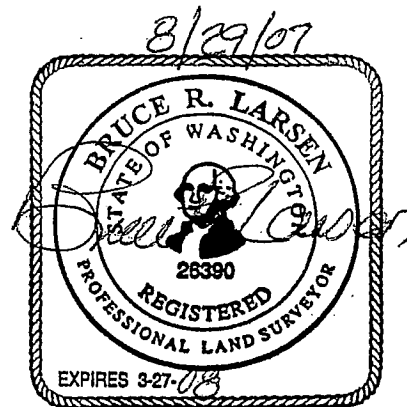
LEGAL DESCRIPTION
PARCEL NO. 55156.9153

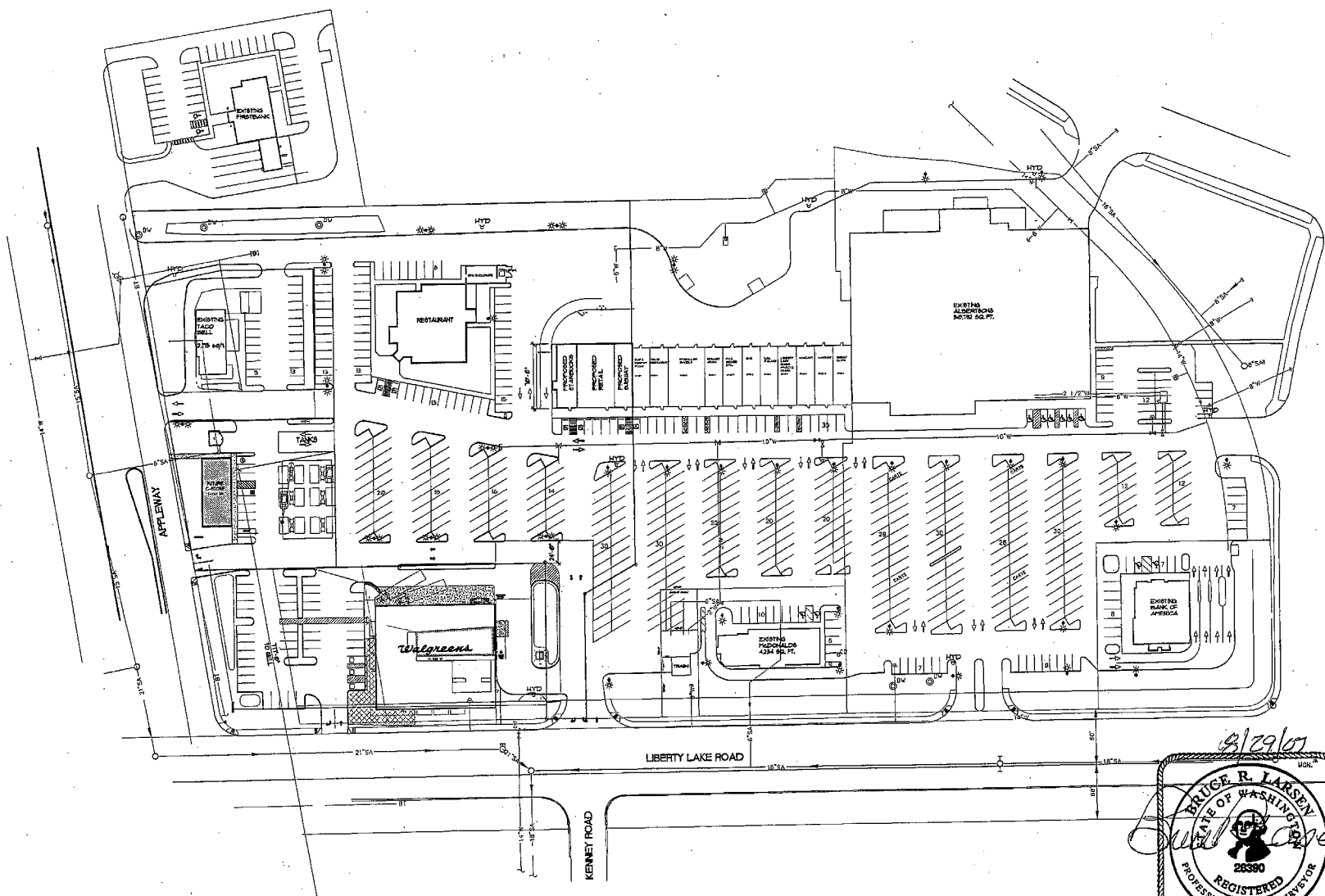
(Derived from Spokane County Assessor Records 8/29/07)

Those portions of Parcels "K" and "M", 1ST AMENDMENT TO BINDING SITE PLAN BSP-4, per plat thereof recorded in Book 1 of Binding Site Plans, Page 5A, being portions of the NW 1/4 of Section 15 and the SW 1/4 of Section 10, Township 25 North, Range 45 East, W.M. described as follows:

BEGINNING at the northwest corner of said Parcel "K", said point being on the south right of way line of Appleway Road; thence N59°53'21"E along said right of way line, 196.67 feet; thence leaving said right of way line S21°16'21"E, 163.93 feet; thence S68°43'27"W 194.33 feet to the west line of said Parcel "K"; thence N21°16'21"W 133.72 feet to the Point of Beginning;

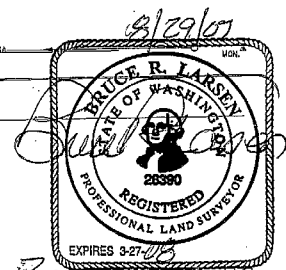
situate in the City of Liberty Lake, County of Spokane, State of Washington.





NOTE:
THIS SITE PLAN IS PROVIDED AS A VISUAL REPRESENTATION OF A CONCEPTUAL PLAN. ACTUAL LOT
DIMENSIONS, CONFIGURATION AND IMPROVEMENTS ARE NOT GUARANTEED AND ARE SUBJECT TO
CHANGES AND / OR MODIFICATION WITHOUT NOTICE. THE PROVIDER OF THIS DRAWING ASSUMES NO
LIABILITY FOR THE ACCURACY OF INFORMATION CONTAINED IN THIS DRAWING NOR ANY LOSS INCURRED
BY REASON OF RELIANCE THEREON.

LIBERTY LAKE TOWN CENTER

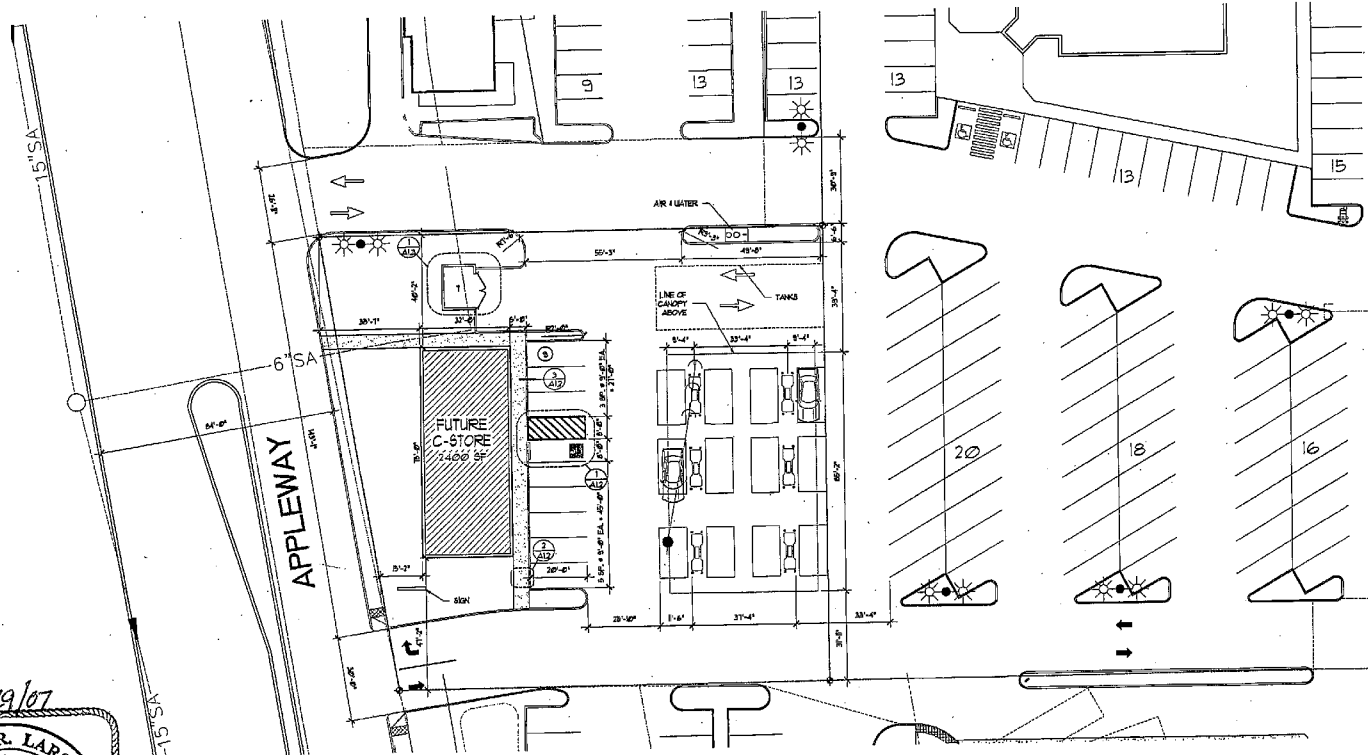


REVIEWED FOR VARIANCE
APPLICATION SUBMITTAL ONLY.

<p>NOTE: This drawing is a conceptual plan and is not to be used for construction. It is not to be used for any other purpose without the written consent of the provider. The provider assumes no liability for the accuracy of information contained in this drawing nor any loss incurred by reason of reliance thereon.</p>																
<p>REVISIONS:</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION													<p>BY: _____</p>
NO.	DATE	DESCRIPTION														
<p>PROJECT: ZP TRIP LIBERTY LAKE TOWN CENTER 135 NORTH LIBERTY LAKE ROAD LIBERTY LAKE, WASHINGTON 99019</p>																
<p>DRAWINGS: SITE PLAN</p>																
<p>DATE: _____</p>																
<p>PLOT SCALE: 1"=50'-0"</p>																
<p>DRAWN BY: BMH</p>																
<p>JOB NO.: 27-22</p>																
<p>SHEET NO.: A1.0</p>																
<p>RUSSELL C. PAGE architects 808 S. BOLLAND SPOKANE, WA 99218 467-0748</p>																



REVIEWED FOR VARIANCE
APPLICATION SUBMITTAL ONLY.



SITE DEVELOPMENT PLAN
1" = 20'-0"

NOTE:
THIS SITE PLAN IS PROVIDED AS A VISUAL REPRESENTATION OF A CONCEPTUAL PLAN. ACTUAL LOT DIMENSIONS, CONFIGURATION, AND IMPROVEMENTS ARE NOT GUARANTEED AND ARE SUBJECT TO CHANGE AND / OR MODIFICATION WITHOUT NOTICE. THE PROVIDER OF THIS DRAWING ASSUMES NO LIABILITY FOR THE ACCURACY OF INFORMATION CONTAINED IN THIS DRAWING NOR ANY LOSS INCURRED BY REASON OF RELIANCE THEREON.

<p>PROJECT: 720 TRP LIBERTY LAKE TOWN CENTER 7200 NORTH LIBERTY LAKE ROAD LIBERTY LAKE, WASHINGTON 99019</p>		<p>DATE: 3/29/07</p>																			
<p>PLOT SCALE: 1" = 20'-0"</p>		<p>DRAWN BY: BRL</p>																			
<p>JOB NO.: 07-100</p>		<p>SHEET NO.: A1.1</p>																			
<p>REVISIONS:</p> <table border="1"> <thead> <tr> <th>DATE</th> <th>PERSON</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		DATE	PERSON	BY																<p>RUSSELL C. PAGE architects 608 N. Holland Spokane, WA 99218 467-9748</p>	
DATE	PERSON	BY																			



August 23, 2007

City of Liberty Lake
Planning and Community Development
22710 E. Country Vista Drive
Liberty Lake, WA 99019

Re: Zip Trip Variance

Dear Sir;

The Liberty Lake Sewer and Water District is the sole provider of water and sewer service to the proposed Zip Trip Fueling Station located on Appleway Ave. E of Liberty Drive and W of Meadowwood Ln. The source of drinking water for the District is the Spokane-Rathdrum Prairie Aquifer. The proposed Zip Trip Fueling Station is approximately 700 feet east and directly upstream of the District's main public drinking water well known as the Kenney Well. The existing Zip Trip Fueling Station is presently located approximately 500 feet east and directly upstream of the same well and has been located in this location for at least 15 years.

The District's concern is for any potential contamination source located in close proximity of its public drinking water wells. It is critical that every precaution be made to prevent contamination of the well and consequently the aquifer.

The District has met with the applicant on August 14th, 2007 at the City of Liberty Lake Pre-application meeting. At this meeting it was determined that the demolition and de-commissioning of the old Zip Trip site and the underground gasoline tanks will not take place until after permitting and construction starts on the new facility. The District has concerns about the level of contamination that might exist at the existing facility, which would have a bearing on whether a new facility should be constructed only 200 feet away.

A meeting is scheduled for Monday, August 27th, 2007 with the applicant to discuss the technology of the new facility. The District will be carefully examining and reviewing the proposed facility and the safe-guards that will be installed to prevent contamination of the ground water and the Kenney well. The District will be requesting that an independent third party review the technology to be used for this new facility.

In summary, the District has concerns about the underground tanks that are presently in the ground and the level of contamination, if any. Secondly, the technology proposed for the new facility will be carefully reviewed to determine what measures will be taken to

Tom Agnew
President

Frank L. Boyle
Commissioner

Steve Skipworth
Commissioner

reduce any contamination risks. Third, soil sample results that will be required by the Washington State Department of Ecology in the decommissioning of the existing underground tanks will be shared with the District at the earliest possible time.

It is recognized that technology regarding the installation, maintenance and monitoring of underground tanks has changed in the last 15 years. However, even with the most modern of facilities, problems can occur. It is the District's responsibility to assure that the sources of drinking water for the residents of Liberty Lake and the District are protected from contamination that could result in a public health problem.

For additional information, please contact me at (509) 922-9016.

Sincerely,

A handwritten signature in dark ink, appearing to read 'F. Lee Mellish', with a stylized flourish at the end.

F. Lee Mellish
Manager

From: Mary McDermott



Spokane Regional Clean Air Agency Signs Off On This Project.

1101 W. College Ave., Suite 403, Spokane, WA 99201 • (509) 477-4727 • Fax (509) 477-6626 • www.spokanecleanair.org

Date: **September 24, 2007**

To: **Amanda Tainio, Senior Planner**

The City of Liberty Lake Planning & Community Development Department

22710 E. Country Vista Blvd.

Liberty Lake, WA 99019

From: Chuck Studer, Air Quality Engineer I

RE: SPOKANE REGIONAL CLEAN AIR AGENCY REQUIREMENTS FOR:

File No. **V-07-0001**

Proponent / Project Name: **Zip Trip re-location variance to decrease the required setback of 1,000 ft. for storage tanks & stormwater facilities from a wellhead @ Appleway Ave., E. of Liberty Lake Rd. & existing Zip Trip, W. of Meadowwood Ln.**

☒ Request for Comments by **October 3, 2007 @ 4:00 p.m.**

The following is a list of concerns/issues that may need to be addressed for this project as determined from information received by this office. The list is provided as a brief summary of general requirements and does not relieve the proponent from meeting all local, state, and/or federal regulations. For additional information or clarification, contact Spokane Clean Air at (509) 477-4727. Copies of Spokane Clean Air regulations are available for purchase in our office or can be viewed and downloaded from <http://www.spokanecleanair.org>.

Construction related requirements

- Dust emissions during demolition, construction and excavation projects must be controlled. This may require the use of water sprays, tarps, sprinklers, or suspension of activity during certain weather conditions.
- Measures must be taken to avoid the deposition of dirt and mud from unpaved surfaces onto paved surfaces. If tracking or spills occur on paved surfaces, measures must be taken immediately to clean these surfaces.
- Debris generated as a result of this project must be disposed of by means other than burning.
- Spokane Clean Air strongly recommends that all traveled surfaces (i.e. ingress, egress, parking areas, access roads, etc.) be paved and kept clean to minimize dust emissions.
- If objectionable odors result from this project, effective control apparatus and measures must be taken to reduce odors to a minimum.
- Special attention should be given to proper maintenance of diesel powered construction equipment to reduce the impact of diesel exhaust, a suspected carcinogen.

Additional requirements

- A Notice of Construction and Application for Approval is required to be submitted and approved by Spokane Clean Air prior to the construction, installation, or establishment of an air pollution source. This includes emergency generators rated at 500 hp (375 kW) or higher, natural gas heating equipment units rated at 4 MMBTU/hr or higher (input), and heating equipment units fired with other fuels (e.g. diesel) rated at 1 MMBTU/hr (input) or higher. Contact Spokane Clean Air for a Notice of Construction application.
- A Notice of Intent must be submitted to Spokane Clean Air prior to any demolition project or asbestos project. An asbestos survey must be done by an AHERA accredited building inspector prior to the demolition or renovation of buildings to determine if asbestos-containing material is present at the site. Contact Spokane Clean Air for a Notice of Intent application.

working with you for clean air

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

October 3, 2007

Ms. Amanda Tainio
Associate Planner
Planning and Community Development Department
22710 E. Country Vista Blvd.
Liberty Lake, WA 99019

Dear Ms. Tainio:

Thank you for the opportunity to provide comments regarding a variance to decrease the required setback for storage tanks and stormwater facilities from a wellhead for the Zip Trip re-location, File No.P-07-0001 (Proponent – Zip Trip). The Department of Ecology has reviewed the documents and has the following comments:

Toxics Cleanup Program

Installation of new underground storage tanks must meet the requirements of the state underground storage tank regulations (Chapter 173-360 WAC). Copies of these regulations and required forms are available from the Department of Ecology by calling (360) 407-7202, or toll-free in state 1-800-826-7716.

A notice of intent to install tanks must be filed with the Department of Ecology at least 30 days prior to installation. Within 30 days after coming into service, the tanks must be registered with the Department of Licensing on a state notification form.

The supervisor on-site during the installation must be licensed by passing an exam administered by the International Code Council, or by another state with which Washington has a reciprocity agreement.

New tanks and any connected piping must be protected from corrosion by either a cathodic protection system, or by being constructed or coated with a non-corrosive material such as fiberglass. An acceptable method of leak detection must be employed, and the tanks must be equipped with spill prevention and overfill protection equipment.

Stage I vapor recovery equipment is required on all new gasoline dispensing facilities with a total gasoline nominal storage capacity greater than 10,000 gallons. Also, a certified Stage II vapor recovery system is required for these facilities in all Western Washington counties (Chapter 173-491 WAC).

Under the Uniform Fire Code, other local permits may be required for the installation of underground storage tanks. The local official charged with administration of the Code should be contacted regarding the permit requirements.



A notice of intent to permanently close tanks must be filed with the Department of Ecology at least 30 days prior to closure. The closure must be completed within 60 days after expiration of the 30-day notice unless a written request for an extension is approved (Chapter 173-360 WAC).

The on-site supervisor, providing tank-closing services, must be licensed by passing an exam administered by the International Code Council, or by another state with which Washington has a reciprocity agreement. Within 30 days after closing a permanent closure checklist form must be provided to the Department of Ecology by the owner. The certified supervisor that was on-site during the closure must sign the checklist.

A site assessment to determine whether contamination has occurred must be completed by a professionally qualified person certified by the International Code Council, effective January 1, 1995. The Department of Ecology's minimum requirements for sampling for contamination in the excavation area are outlined in a published guidance document. This document, forms, and regulations are available from the Department of Ecology by calling 1-800-826-7716. Within 30 days after completing, the person that performed the site assessment must provide Department of Ecology a site assessment checklist and results of the testing.

If contamination of soil or groundwater is readily visible, or is revealed by sampling, the Department of Ecology must be notified within 24 hours by the owner and within 72 hours by the service-providing supervisor. Call the regional office for assistance and information about subsequent cleanup and to identify the type of testing that will be required. Contact the Environmental Report Tracking System Coordinator of our Eastern Regional Office at (509) 329-3445.

The Department of Ecology requires the results of the site assessment be maintained for five years after completion of permanent closure or change-in-service. We recommend that the records be kept in the property file indefinitely for any future property owners to fulfill liability requirements under the Washington Model Toxics Control Act.

If storage tanks contain dangerous or hazardous waste as defined in Chapter 173-303 WAC, please contact Ecology's Regional Office, Hazardous Waste and Toxics Reduction Section, for closure requirements.

Under the Uniform Fire Code, other local permits may be required for the closure of underground storage tanks. The local official charged with administration of the code should be contacted regarding the permit requirements.

State Environmental Policy Act (SEPA)

The paperwork accompanying this proposal is unclear as to who the proponent is. I have listed Zip Trip. If this is inaccurate, please call me at (509) 329-3550 to make a correction.

The Notice of Application accompanying this proposal states that this is a variance request. However after review of the SEPA Checklist, the proposed project appears to be part of a larger project involving a relocation of a Zip Trip Gas Station. While this project proposal may require a variance, the environmental impacts of all related activities for this proposed should be evaluated in one environmental document.

Please refer to WAC 197-11-060(3)(b)(ii) which states that proposals or parts of proposals that are related to each other closely enough to be in effect a single course of action shall be evaluated in the same environmental document...if they are interdependent parts of a larger proposal and dependent on the larger proposal as their justification or for their implementation.

Ms. Amanda Tainio
October 3, 2007
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WAC 197-11-305(1)(b)(i) states that proposals that fit the provisions under Part Nine shall be exempt *except* when the proposal is a segment of a proposal that includes a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not.

Ecology's comments are based upon the information provided with the SEPA checklist. As such, they do not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions, please don't hesitate to call me at (509) 329-3550.

Sincerely,



Terri Costello
SEPA Coordinator
Department of Ecology
Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205-1295
Phone: (509)329-3550
Email: temi461@ecy.wa.gov

E07-614

NOTICE OF PUBLIC HEARING

The City of Liberty Lake Planning & Community Development Dept. (Review Authority) has published this Notice of Hearing to provide the opportunity for public testimony on the described proposal. The file may be examined 8:00 a.m. to 5:00 p.m. Monday through Friday (except holidays) at the Planning & Community Development Dept. Project info is also available on the City website at www.libertylakewa.gov/development/public_notices.asp. Questions may be directed to the Project Coordinator listed below.

Proposal File #: V-07-0001 **Zoning:** M-3

Proposal: Zip Trip Re-Location Variance

Proposal Description: A variance to decrease the required setback of 1000 feet for storage tanks and stormwater facilities from a wellhead, as required under City Development Code Section 10-2G-3C

Site Address: TBA

General Location: Appleway Ave., E. of Liberty Lake Rd. & existing Zip Trip, W. of Meadowwood Ln.

Owner: Wandermere Investments, LLC (Richard Vandervert) **Phone:** 509-467-6654

Contact: Witherspoon Kelley Davenport & Toole P.S. (Stacy A. Bjordahl) **Phone:** 509-624-5265

Application Date: 8/30/07 **Determination of Completeness Issued:** 8/31/07

Notice of Application Issued: 9/19/07 **Comment Deadline:** 4pm, 10/3/07

Public Hearing Date: **Wednesday, October 24, 2007** **Public Hearing Time:** **3:00 p.m.**

Public Hearing Location: **Liberty Lake City Hall Council Chambers - 22710 E. Country Vista, Liberty Lake**

Environmental Review: This project does not require environmental review. A setback variance request is exempt from SEPA requirements under City Development Code Article 10-6A, Environmental Ordinance.

This notice has been provided to advise agencies, property owners, neighborhoods, and the public in general that a proposal requiring a public hearing has been scheduled for an "open record" hearing where individuals and agencies can provide testimony. **This hearing held before the Hearing Examiner will be the last opportunity to testify or submit written comments that will be added to the record about the project prior to a decision being rendered.** The Hearing Examiner may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

Written Comments: Agencies, tribes, and the public are encouraged to review and provide written comments on the proposed project. All written comments received prior to the scheduled public hearing, will be added to the record and considered prior to making a decision on this application.

REVIEW AUTHORITY:

PROJECT COORDINATOR: Amanda Tainio, Senior Planner



Planning & Community Development Department
22710 E. Country Vista Blvd., Liberty Lake, WA 99019
Phone: (509) 755-6707, Fax: (509) 755-6713, www.libertylakewa.gov

Date Issued: October 10, 2007

Signature: *Amanda Tainio*